

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JUDY DONATELL,

Plaintiff,

vs.

CITY OF LAS VEGAS, et al.,

Defendants.

Case No. 2:15-cv-02334-RFB-NJK

ORDER

(Docket No. 20)

Before the Court is the Plaintiff's Motion to Extend Time to Serve. Docket No. 20. The Court has reviewed the materials presented and finds a hearing on the application unnecessary. *See* Local Rule 78-2.

BACKGROUND

On September 18, 2015, Plaintiff filed the instant suit in Clark County District Court. Docket No. 1-1 at 5-28. On December 8, 2015, Defendant City of Las Vegas removed the case to this Court. Docket No. 1. The current deadline to serve the complaint on all defendants, pursuant to Fed.R.Civ.P. 4(m), is January 18, 2016. Plaintiff filed the instant motion on January 13, 2016. Docket No. 20.

Plaintiff represents that she has served Defendants City of Las Vegas, Correct Care Solutions, and City of North Las Vegas with the Complaint, Summons and Service Letter. *Id.* at 3. She submits that, at the time she served these corporate and municipal defendants, she requested their assistance in "locating and/or serving the named individual Defendants." *Id.*

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Plaintiff submits that, on December 21, 2015, she was advised that Defendant City of Las Vegas would accept service for the individual Defendants it still employs, though it has yet to do so.¹ *Id.* at 8. Assuming that Defendant City of Las Vegas accepts service for those employees, three Defendants remain to be served.² *Id.* Additionally, Plaintiff submits that Defendant Correct Care Solutions has not yet responded to her inquiries regarding service of its employees, so she is currently unaware as to whether Defendant Correct Care will accept service of those employees and/or assist in locating them.³ *Id.* Finally, Plaintiff represents that counsel for Defendant City of North Las Vegas accepted service on behalf of Defendants Officer Scott Vaughn and Officer A. Slocum, leaving only Defendant Sergeant Moore to be served. *Id.*

Plaintiff submits that she possesses limited information on the identity of some of the remaining 31 individual Defendants, but that she has diligently made efforts to locate these Defendants in order to effect service.⁴ *Id.* at 9. Plaintiff therefore requests an extension of 105 days, until May 2, 2016, to serve the remaining 31 individual Defendants. *Id.* at 17.

DISCUSSION

Fed.R.Civ.P. 4(m) provides,

(m) *Time Limit for Service.* If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

¹Those Defendants are Michelle Freeman, Lt. Russell, Sgt. Byard, Officer R. Dorado, Officer A. Chalmers, Officer T. Valenzuela, Officer A. Knight, Officer J. McCormick, Officer A. Brooks, Officer R. Brookins, Officer Y Giron, Officer Landrove, and Officer Bledsoe. *Id.*

²Those Defendants are Sergeant Avila, Sergeant M. Bunnell, and Officer Randall. *Id.*

³Those Defendant are Nurse Arturo Buen, Nurse Ann Buen, Psychiatric Nurse Dennis Miles, Nurse Amy Perez, Nurse Dennis Cendana, Nurse Vickie Athukorala, Nurse Jane Balao, Nurse Mary Boyd, Nurse Marcia Sencio, Psychologist Dean Nelson, Nurse Norma Alicia-Carpia, Nurse Kelly Evans, Nurse Sieve Maua, and Nurse Loretta Burton. *Id.*

⁴In addition to her requests to the corporate and municipal Defendants, Plaintiff has conducted searches through the Clark County Assessor Real Property Records, Transparent Nevada, and the White Pages. *Id.* at 9-16.

1 The Court finds that Plaintiff has shown good cause for the extension and grants the 105-day
2 extension. Plaintiff shall have until May 2, 2016, to serve the 31 remaining individual Defendants.

3 **CONCLUSION**

4 Based on the foregoing, and good cause appearing therefore,

5 IT IS HEREBY ORDERED that Plaintiff's Motion to Extend Time to Serve, Docket No. 20,
6 is GRANTED.

7 DATED this 26th day of January, 2016.

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NANCY J. KOPPE
United States Magistrate Judge
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